

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3422



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
MAR 20 2019

2019 MAR 20 AM 9:26

SENSITIVE

March 20, 2019

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KDR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation - 2018 30 Day Post-General Report
(Unauthorized Filers) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2018 30 Day Post-General Report in accordance with 52 U.S.C. § 30104(a). The list is comprised of unauthorized committees that failed to file or timely file the 2018 30 Day Post-General Report.

The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report within thirty (30) days of the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. § 111.43, these committees should be assessed the civil money penalties indicated in the attachment.

In order to determine the level of activity for unauthorized quarterly filers that failed to file or failed to timely file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 30 Day Post-General Report (30 Day Report) submitted by an unauthorized quarterly filer that covered the period from October 1, 2018 through November 26, 2018 (57 days), was reviewed for activity which would have required the filing of a 12 Day Pre-General Report (12 Day Report). If our research indicated that the filing of a 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of activity was used by multiplying the total amount of activity on the report by 29.82% (17 days (12G Filing Period)/57 days (30G Filing Period)).
- The committees identified through this process as failing to file or failing to timely file the 12 Day Report were included in the Reason to Believe Recommendation circulated to the Commission on March 13, 2019. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will also be assessed a fine for the 30 Day Report based on the estimated levels of activity described above and are included on the attached list.
- Every Year-End Report (YE) submitted by an unauthorized quarterly filer that covered the period from October 1, 2018 through December 31, 2018 (92 days) was reviewed for activity which would have required the filing of a 30G. If our research indicated that a 30G was required, we utilized a three-step method to arrive at the activity on which to base the 30G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 30G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 61.96% (57 days (30G Filing Period)/92 days (YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 30G. If the same committee was required to file the 12 Day Report, but failed to file this report, we utilized a three-step method to arrive at the activity on which to base the 30G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 30G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 43.48% (40 days (30G Filing Period)/92 days (YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 30G.

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

3/19/2019 3:02 PM

Federal Election Commission
Reason to Believe Circulation Report
2018 POST-GENERAL Not Election Sensitive 12/06/2018 UNAUTH

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3622	C00492579	AMERICAN PRINCIPLES	EYTAN LAOR	\$313,566	1	1/23/2019	48 (Not Filed*)	\$52,682	\$4,906
3624	C00658757	AMERICANS SUPPORTING VETERANS PAC	MARK SLY	\$576,156	0	12/23/2018	17	\$78,172	\$3,063

3/19/2019 3:02 PM

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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3645	C00131706	PIPEFITTERS LOCAL UNION #524	PATRICK DOLAN	\$194,859	0		Not Filed	\$32,477 (est)	\$1,230
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3655	C00522458	TOGETHER WE THRIVE	CHRISTOPHER ZULLO	\$133,515	0		Not Filed	\$19,074 (est)	\$684
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* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Reason To Believe Recommendation - 2018
30 Day Post-General Report (Unauthorized
Filers) for the Administrative Fine Program:

AMERICAN PRINCIPLES, and LAOR,
EYTAN as treasurer;

) AF# 3622
)

AMERICANS SUPPORTING VETERANS
PAC, and SLY, MARK as treasurer;

) AF# 3624
)

RECEIVED

PIPEFITTERS LOCAL UNION #524, and) AF# 3645
DOLAN, PATRICK as treasurer;)

TOGETHER WE THRIVE, and) AF# 3655
CHRISTOPHER ZULLO as treasurer;)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on March 21, 2019 the Commission took the following actions
on the Reason To Believe Recommendation - 2018 30 Day Post-General Report
(Unauthorized Filers) for the Administrative Fine Program as recommended in the
Reports Analysis Division's Memorandum dated March 20, 2019, on the following
committees:

AF#3622 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICAN PRINCIPLES, and LAOR, EYTAN in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3624 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICANS SUPPORTING VETERANS PAC, and SLY, MARK in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Introduction

1

AF#3645 Decided by a vote of 4-0 to: (1) find reason to believe that PIPEFITTERS LOCAL UNION #524, and DOLAN, PATRICK in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

TOBACCO

TOBACCO

AF#3655 Decided by a vote of 4-0 to: (1) find reason to believe that TOGETHER WE THRIVE, and CHRISTOPHER ZULLO in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 21, 2019

Date



Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 21, 2019

Eytan Laor, in official capacity as Treasurer
American Principles
20533 Biscayne Blvd, #250
Miami, FL 33180

C00492579
AF#: 3622

Dear Mr. Laor:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period October 18, 2018 through November 26, 2018 shall be filed no later than December 6, 2018. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On March 21, 2019, the FEC found that there is reason to believe ("RTB") that American Principles and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before December 6, 2018. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,906. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 CFR § 111.34. Your payment of \$4,906 is due within forty (40) days of the finding, or by April 30, 2019, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$52,662

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

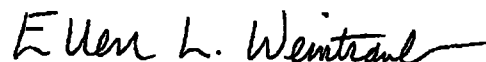
5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A), until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,



Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$4,906 for the 2018 Post-General Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: American Principles

FEC ID#: C00492579

AF#: 3622

PAYMENT DUE DATE: April 30, 2019

PAYMENT AMOUNT DUE: \$4,906

American Principles

Attachment 1
6 Pages

April 30, 2019

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FEDERAL MAIL CENTER
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Federal Election FEC
Office of Administrative Review
1050 First Street, NE
Washington, DC 20002

RE: COO492579; AF #3622

To Whom It May Concern:

American Principles and Eytan Laor, in his official capacity as Treasurer (collectively or individually hereafter referred to as "American"), hereby submit this response to the Federal Election Commission's (the "FEC") RTB finding dated March 21, 2019, finding reason to believe that American failed to file timely the 30-Day Post-General Report of Receipts and Disbursements ("Post-General Report") for the period October 18, 2018 to November 26, 2018. While American acknowledges that the Post-General Report was filed after December 6, 2018, its original due date to the FEC, American disputes the fine amount of \$4,906 for the reasons explained below.

Following the Federal Government Shutdown (the "Shutdown") that began on December 22, 2018 and ended on or about January 25, 2019, the FEC posted on its website the attached Shutdown Announcement (the "Announcement") to address the impact on the Shutdown on the FEC's operations including, but not limited to, report filing deadlines and the enforcement thereof. The Announcement explained that electronic filers may file during the Shutdown but would *not* have assistance from FEC staff in the event of any filing issues or questions. The Announcement further stated, *inter alia*, that "the FEC...may choose not to pursue administrative fines against filers prevented from filing by reasonably unforeseen circumstances beyond their control. See 11 CFR 111.35. Accordingly, the FEC will not pursue administrative fines against filers...who fail to file on a timely basis, so long as they file within 24 hours after the FEC resumes operations".

American prepared the Post-General Report and attempted to file it electronically on December 23, 2018 (17 days late), but was unable to do so because of technical issues that could not be resolved during the Shutdown. Accordingly, because American filed its Post-General Report during the Shutdown and the FEC stated it would not penalize filers that did not file during the shutdown, American should not be deemed as a "Non-filer" (i.e. >30 days late) with regard to this report, but rather a "Late Filer" for being 17 days late. Correspondingly, we respectfully request that the administrative penalty be adjusted to \$2,806, instead of the \$4,906 that was previously assessed.

Your cooperation and assistance with regard to reviewing this matter are greatly appreciated. Thank you.

Respectfully,



Eytan Laor, Treasurer
American Principles - C00492579

Shutdown announcement

Like many federal agencies, the FEC will be unable to provide any services during the government shutdown. Most agency staff will not report to work, and the agency's offices will be closed to the public. While the FEC's website will remain online, most of its content will not be updated. Although the interactive, web-based programs and electronic filing systems will be available during the shutdown, the FEC Help Desk and other staff will not be able to provide assistance to the user community. During the shutdown all summary filing data, including data from newly e-filed reports, will be available. Images of both previously filed and newly e-filed reports will also be available. However, detailed transactional data from newly filed reports will not be available until staff returns from furlough. Reports filed on paper will not be processed or made available on the website until staff return from furlough.

You will be unable to contact the FEC during the government shutdown. Staff will not be available to answer phone calls, respond to email or receive postal mail until the agency reopens. If you have pending or new business before the FEC, or are waiting for a response from FEC staff, you should not expect to hear from us until we reopen. We look forward to resuming operations as soon as possible.

Reporting deadlines

The Commission will not be able to accept any paper reports during the shutdown. Electronic filers with reports due during the shutdown may file, but FEC staff will not be available to resolve any technological problems that could arise and prevent timely filing. While the FEC does not have statutory authority to extend filing deadlines, it may choose not to pursue administrative fines against filers prevented from filing by reasonably unforeseen circumstances beyond their control. See 11 CFR 111.35. Accordingly, the Commission will not pursue administrative fines against filers with reports due during the shutdown who fail to file on a timely basis, so long as they file within 24 hours after the Commission resumes operations. The FEC will reopen on the first regular business day after its funding legislation is enacted. Please check the website for an announcement on when the FEC will reopen.

Comments on REG 2018-03 and REG 2016-01

During the shutdown, the Commission will continue to accept comments via the Commission's website and in paper form on two pending rulemaking notices of availability involving the definition of contribution and advisory opinion comment procedures. Like other online systems, the rulemaking comment portal will be available during the shutdown, but the FEC Help Desk and other staff will not be able to provide assistance to the user community. Once normal operations resume, Commission staff will respond promptly to any messages relaying concerns related to the rulemaking notices and the Commission will consider whether to extend the deadline for submitting comments.

Other business

Other documents or materials due during the shutdown (for example, responses to Requests for Additional Information, responses to complaints, production in response to Commission subpoenas or interrogatories, etc.) will be considered timely if the Commission receives them within 24 hours after the agency resumes operations. In cases where the time for the Commission to take an action (for example, notification of a complaint, rendering an advisory opinion, etc.) is triggered by the receipt of a document, that time will begin to run when the document is docketed as received after we resume operations. If the triggering document was filed before the shutdown—such that the Commission's time to act partially or wholly lapses during the shutdown—please contact the appropriate FEC staff after we resume operations to discuss whether the deadline may be extended.

This information is not intended to replace the law or to change its meaning, nor does this information create or confer any rights for or on any person or bind the Federal Election Commission or the public.

The reader is encouraged also to consult the Federal Election Campaign Act of 1971, as amended (52 U.S.C. 30101 et seq.), Commission regulations (Title 11 of the Code of Federal Regulations), Commission advisory opinions and applicable court decisions.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 2019

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3622 – American Principles and Eytan Laor, in his official capacity as Treasurer (C00492579)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$3,296 civil money penalty.

Reason-to-Believe Background

The 2018 Post-General Report was due on December 6, 2018. The respondents filed the report on January 23, 2019, 48 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On March 21, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Post-General Report and made a preliminary determination that the civil money penalty was \$4,906 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on March 21, 2019 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file a post-general report covering through the 20th day after the election no later than 30 days after the election. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(c)(1)(iii). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On May 3, 2019, the Commission received the written response ("challenge") from the Treasurer. The challenge explains that the Committee attempted to file the report on December 23, 2018 but was unsuccessful due to technical difficulties with using the filing software. The Committee was unable to receive assistance from Commission staff due to the government shutdown. The Committee was able to resolve the issues and file the report on January 23, 2019.

The Treasurer acknowledges that the Committee did not attempt to file the report until December 23, 2018, 17 days after the report was due. Because the further delay was caused by the unavailability of staff during the government shutdown, he requests that the penalty be recalculated based on the first attempted filing date of December 23, 2018. Specifically, the report should be considered 17 days late, and the penalty should be reduced to \$2,806.

Analysis

Commission records indicate the Committee was notified of their 2018 Post-General reporting requirement on multiple occasions prior to the filing deadline. On November 8, 2018, the Commission's Information Division sent the 2018 General Election Prior Notice to info@ap-usa.org, the email address listed on the Committee's Statement of Organization. The notice included information regarding the requirement to file the 2018 Post-General Report. On December 3, 2018, the Commission's Electronic Filing Office ("EFO") sent a reminder email regarding the 2018 Post-General Report to el@laor.org and info@ap-usa.org. On December 7, 2018, the day following the filing deadline, EFO sent a late notification email to the same email addresses because the report had not yet been filed. On December 20, 2018, RAD sent the non-filer notification via email to info@ap-usa.org.

The Reviewing Officer confirms that Commission staff was unavailable during the partial government shutdown of December 22, 2018 through January 25, 2019. The Treasurer indicates he first attempted to file the report on Sunday, December 23, 2018. Ordinarily, Commission staff would have been available to provide assistance to the Committee on the next business day. According to the Commission's Deputy Staff Director of Management & Administration, Commission staff were excused from duty on Monday, December 24, 2018 and Tuesday, December 25, 2018. Therefore, Wednesday, December 26, 2018 would have been the next regular business day for Commission staff had the partial government shutdown not occurred. See Attachment 4.

The Reviewing Officer recognizes that if the Committee was able to receive assistance from Commission staff on December 26, 2018, the Committee may have been able to file the 2018 Post-General Report that same day. If the Committee filed the report on December 26, 2018, the report would be considered 20 days late. Therefore, the Reviewing Officer recommends that the Commission recalculate the civil money penalty considering the report was filed 20 days late. The report discloses \$21,000 in total receipts and \$31,662 in total disbursements. Therefore, the level of activity of the 2018 Post-General Report is \$52,662. Using the schedule of penalties at

11 C.F.R § 111.43(a) for the level of activity bracket of \$50,000 - \$74,999.99, the civil money penalty is $[\$437 + (\$110 \times 20 \text{ days late})] \times [1 + .25 \times 1 \text{ previous violation}]$, or \$3,296.¹

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$3,296 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3622 involving American Principles and Eytan Laor, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3622 that American Principles and Eytan Laor, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,296 civil money penalty (reduced from the RTB civil money penalty of \$4,906); and
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 –
- Attachment 5 – Declaration from RAD
- Attachment 6 – Declaration from OAR

¹ In the challenge, the Treasurer states the penalty should be reduced to \$2,806. The Reviewing Officer notes that this figure was calculated using December 23, 2018 as the filing date and the schedule of penalties for penalties assessed from December 28, 2017 through December 31, 2018. The recommended civil money penalty of \$3,158 is calculated using December 26, 2018 as the filing date and the schedule of penalties for penalties assessed on or after January 1, 2019. See 83 Fed. Reg. 66596 (December 23, 2017); <https://sers.fec.gov/fosers/showpdf.htm?docid=401529>.

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to American Principles:
 - A) Non-Filer Letter, dated December 20, 2018, referencing the 2018 30 Day Post-General Report (sent via electronic mail to: info@ap-usa.org);
 - B) Reason-to-Believe Letter, dated March 21, 2019, referencing the 2018 30 Day Post-General Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that American Principles filed the 2018 30 Day Post-General Report with the Commission on January 23, 2019.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 23rd day of May, 2019.

Ben Holly for KDR
Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

December 20, 2018

LAOR, EYTAN, TREASURER
AMERICAN PRINCIPLES
20533 BISCAYNE BLVD
#250
MIAMI, FL 33180

IDENTIFICATION NUMBER: C00492579

REFERENCE: POST-GENERAL REPORT (10/18/2018 - 11/26/2018)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report or relevant portions must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Jamie Sikorsky in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1137.

AMERICAN PRINCIPLES

Page 2 of 2

Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

UNCLASSIFIED

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A committee not authorized by a candidate shall file a post-general report covering through the 20th day after the election no later than 30 days after the election.. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on December 6, 2018 for the 2018 Post-General Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover, Summary, and Detailed Summary Pages of the 2018 October Quarterly Report filed by American Principles and Eytan Laor, in his official capacity as Treasurer. The report includes the coverage period of October 18, 2018 through November 26, 2018 and was electronically filed on January 23, 2019.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 5th day of June, 2019.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines.

12FE4M5

American Principles

ADDRESS (number and street)

20533 Biscayne Blvd

#250

☐ Check if different than previously reported. (ACC)

Miami

FL

33180

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00492579

3. IS THIS
REPORT☒NEW
(N)

OR

☐AMENDED
(A)4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

☐ April 15
Quarterly Report (Q1)☐ July 15
Quarterly Report (Q2)☐ October 15
Quarterly Report (Q3)☐ January 31
Year-End Report (YE)☐ July 31 Mid-Year
Report (Non-election
Year Only) (MY)☐ Termination Report
(TER)(b) Monthly
Report
Due On:☐ Feb 20 (M2)☐ May 20 (M5)☐ Aug 20 (M8)☐ Nov 20 (M11)
(Non-Election
Year Only)☐ Mar 20 (M3)☐ Jun 20 (M6)☐ Sep 20 (M9)☐ Dec 20 (M12)
(Non-Election
Year Only)☐ Apr 20 (M4)☐ Jul 20 (M7)☐ Oct 20 (M10)☐ Jan 31 (YE)(c) 12-Day
PRE-Election
Report for the:☐ Primary (12P)☐ General (12G)☐ Runoff (12R)☐ Convention (12C)☐ Special (12S)

Election on

M M / D D / Y Y Y Y Y Y

In the
State of(d) 30-Day
POST-Election
Report for the:☒ General (30G)☐ Runoff (30R)☐ Special (30S)

Election on

M M / D D / Y Y Y Y Y Y

In the
State of

5. Covering Period

M M / D D / Y Y Y Y Y Y
10 18 2018

through

M M / D D / Y Y Y Y Y Y
11 26 2018

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Laor, Eytan, . .

Type or Print Name of Treasurer

Signature of Treasurer

Laor, Eytan, . .

[Electronically Filed]

Date

M M / D D / Y Y Y Y Y Y
12 06 2018

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

Office
Use
Only**FEC FORM 3X**
Rev. 05/2016

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

American Principles

Report Covering the Period:

From:

MM	DD	YYYY
10	18	2018

To:

MM	DD	YYYY
11	26	2018

	COLUMN A This Period	COLUMN B Calendar Year-to-Date			
6. (a) Cash on Hand January 1, <table><tr><td>Y Y Y Y</td></tr><tr><td>2018</td></tr></table>	Y Y Y Y	2018		<table><tr><td>42039.23</td></tr></table>	42039.23
Y Y Y Y					
2018					
42039.23					
(b) Cash on Hand at Beginning of Reporting Period.....	<table><tr><td>38422.77</td></tr></table>	38422.77			
38422.77					
(c) Total Receipts (from Line 19)	<table><tr><td>21000.00</td></tr></table>	21000.00	<table><tr><td>97756.00</td></tr></table>	97756.00	
21000.00					
97756.00					
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	<table><tr><td>59422.77</td></tr></table>	59422.77	<table><tr><td>139795.23</td></tr></table>	139795.23	
59422.77					
139795.23					
7. Total Disbursements (from Line 31)	<table><tr><td>31662.71</td></tr></table>	31662.71	<table><tr><td>112035.17</td></tr></table>	112035.17	
31662.71					
112035.17					
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	<table><tr><td>27760.06</td></tr></table>	27760.06	<table><tr><td>27760.06</td></tr></table>	27760.06	
27760.06					
27760.06					
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	<table><tr><td>0.00</td></tr></table>	0.00			
0.00					
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	<table><tr><td>0.00</td></tr></table>	0.00			
0.00					



This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

American Principles

Report Covering the Period:

From:

MM	DD	YYYY
10	18	2018

To:

MM	DD	YYYY
11	26	2018

I. Receipts
COLUMN A
Total This Period

COLUMN B
Calendar Year-to-Date
11. Contributions (other than loans) From:
(a) Individuals/Persons Other Than Political Committees
(i) Itemized (use Schedule A).....

21000.00

95556.00

(ii) Unitemized

0.00

200.00

(iii) TOTAL (add
Lines 11(a)(i) and (ii).....▶

21000.00

95756.00

(b) Political Party Committees

0.00

0.00

(c) Other Political Committees
(such as PACs).....

0.00

0.00

(d) Total Contributions (add Lines
11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5).....▶

21000.00

95756.00

12. Transfers From Affiliated/Other
Party Committees.....

0.00

0.00

13. All Loans Received.....

0.00

0.00

14. Loan Repayments Received.....

0.00

0.00

15. Offsets To Operating Expenditures
(Refunds, Rebates, etc.)
(Carry Totals to Line 37, page 5).....

0.00

0.00

16. Refunds of Contributions Made
to Federal Candidates and Other
Political Committees.....

0.00

2000.00

17. Other Federal Receipts
(Dividends, Interest, etc.).....

0.00

0.00

18. Transfers from Non-Federal and Levin Funds
(a) Non-Federal Account
(from Schedule H3).....

0.00

0.00

(b) Levin Funds (from Schedule H5)

0.00

0.00

(c) Total Transfers (add 18(a) and 18(b))..

0.00

0.00

**19. Total Receipts (add Lines 11(d),
12, 13, 14, 15, 16, 17, and 18(c)).....▶**

21000.00

97756.00

20. Total Federal Receipts
(subtract Line 18(c) from Line 19).....▶

21000.00

97756.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share	0.00	0.00
(b) Other Federal Operating Expenditures	1412.71	13285.17
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	1412.71	13285.17
22. Transfers to Affiliated/Other Party Committees	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees	25250.00	93750.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F)	0.00	0.00
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations)	5000.00	5000.00
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	31662.71	112035.17
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)	31662.71	112035.17



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 2019

Eytan Laor, in official capacity as Treasurer
American Principles
20533 Biscayne Blvd
#250
Miami, FL 33180

C00492579
AF#: 3622

Dear Mr. Laor:

On March 21, 2019 the Federal Election Commission ("Commission") found reason to believe ("RTB") that American Principles and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$4,906 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a reduced civil money penalty. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 1050 First Street, NE, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2019 JUL -2 AM 9:11

SENSITIVE

July 2, 2019

MEMORANDUM

To: The Commission

Through: Alec Palmer
Staff Director *AP by Matt*

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3622 – American Principles and Eytan Laor, in his official capacity as Treasurer (C00492579)

On March 21, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Post-General Report and made a preliminary determination that the civil money penalty was \$4,906 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 3, 2019, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated June 5, 2019 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that American Principles and Eytan Laor, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,296 civil money penalty (reduced from the RTB civil money penalty of \$4,906).

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On June 23, 2019, the Committee indicated their intent to pay the recommended reduced civil money penalty.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3622
Final Determination Recommendation:)
American Principles and Eytan Laor, in)
his official capacity as Treasurer)
(C00492579))

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 17, 2019, the Commission decided by a vote of 4-0 to take the following actions in AF 3622:


1. Adopt the Reviewing Officer recommendation for AF# 3622 involving American Principles and Eytan Laor, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3622 that American Principles and Eytan Laor, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,296 civil money penalty (reduced from the RTB civil money penalty of \$4,906).
3. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision

Attest:

7/18/19

Date



Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 23, 2019

Eytan Laor, in official capacity as Treasurer
American Principles
20533 Biscayne Blvd.
#250
Miami, FL 33180

C00492579
AF#: 3622

Dear Mr. Laor:

On March 21, 2019, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that American Principles and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2018 Post-General Report. By letter dated March 21, 2019, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,906 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 3, 2019, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that American Principles and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty in the amount of \$3,296 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on June 5, 2019.

On July 17, 2019, the Commission adopted the Reviewing Officer's recommendation and made a final determination that American Principles and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty of \$3,296. A copy of the Final Determination Recommendation is attached.

On July 17, 2019, the Commission received your \$3,296 payment.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

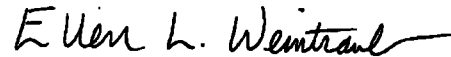
If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during

the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,


Ellen L. Weintraub
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3622